

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL MARTIN,

Plaintiff,

v.

CHERYL STRANGE ,

Defendant.

CASE NO. 3:23-cv-05039-BHS-BAT

**ORDER DENYING PLAINTIFF'S
MOTION TO APPOINT COUNSEL**

Plaintiff Michael Martin, who is proceeding *pro se* and *in forma pauperis* in this civil rights action, has filed a motion to appoint counsel. **Dkt. 12**. The Court **DENIES** the motion.

Generally, a person has no right to counsel in a civil action. *See Campbell v. Burt*, 141 F.3d 927, 931 (9th Cir. 1998). The Court may appoint counsel for indigent civil litigants under 28 U.S.C. § 1915(e)(1), but only under “exceptional circumstances.” *Agyeman v. Corrections Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004). When determining whether “exceptional circumstances” exist, the Court considers “the likelihood of success on the merits as well as the ability of the [plaintiff] to articulate his claims *pro se* in light of the complexity of the legal issues involved.” *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983).

1 Mr. Martin states that he requires appointed counsel because he cannot afford counsel,
2 imprisonment will greatly limit his ability to litigate, the issues are complex, he has limited
3 knowledge of the law, and counsel is better able to handle all aspects of pretrial and trial
4 proceedings. Dkt. 12 at 1–2. These are not extraordinary circumstances. In addition, plaintiff has
5 not shown that he is likely to prevail on the merits of his claim. Appointment of counsel is
6 therefore not justified at this time, and the Court **DENIES** the motion. **Dkt. 12.**

7 DATED this 14th day of April, 2023.

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10 BRIAN A. TSUCHIDA
United States Magistrate Judge